

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

UNITED STATES OF AMERICA,	:	
Plaintiff,	:	
	:	
vs.	:	Case No. 2:21-CR-227
	:	
YOUSIF AMIN MUBARAK,	:	JUDGE EDMUND A. SARGUS, JR.
Defendant.	:	

**DEFENSE REPLY TO GOVERNMENT'S OPPOSITION TO DEFENSE  
MOTION TO DISMISS INDICTMENT**

The Government's response to Defendant's Motion to Dismiss (ECF No. 23) argues that the time between the September 22<sup>nd</sup>, 2021 initial appearance and the November 18<sup>th</sup>, 2021 detention hearing is excluded time under the Speedy Trial Act.

First, the Case Docket for 3:21-mj-00181 in the United States District Court for Oregon (Portland) do not contain a written filed motion from the government regarding detention. *See* ECF No. 23-1. Furthermore, the Minutes of Proceedings entry for the September 22, 2021 Initial Appearance before Magistrate Judge Jolie A. Russo does not document that an oral motion was raised by the Government for detention at that time. *Id.* Thus, our record is insufficient to determine that Speedy Trial began to toll as of September 22, 2021 due to pretrial motions pursuant to 18 U.S.C. 3161 (h). All that is reflected in the docket is that Mr. Mubarak waived his right have any hearings and agreed to be detained. Thus,

there was no outstanding issue. Similar to if Mr. Mubarak had already been in Ohio and filed a waiver of the detention hearing. He would have been ordered detained and the issue was final until he would wish to have a hearing in the future. When Magistrate Judge Russo ordered him detained on September 22, 2021, the speedy clock was running. Even presuming the Government is correct that the time would toll or be excluded if there was an outstanding motion regarding detention, the record does not reflect a written or oral motion. *See* ECF No. 23-1.

**WHEREFORE**, for the reasons set forth above, Defendant Yousif Amin Mubarak respectfully requests this Court to dismiss the Indictment filed on November 18, 2021 with prejudice pursuant to 18 U.S.C. § 3162 (a)(1).

Respectfully submitted,

DEBORAH L. WILLIAMS  
FEDERAL PUBLIC DEFENDER

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**CERTIFICATE OF SERVICE**

I hereby certify that I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

/s/ Stacey MacDonald  
Stacey MacDonald (WA 35394)  
Assistant Federal Public Defender